IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

WP(C).No. 33856 of 2006(E)
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PETITIONER:

THANOOR BLOCK PANCHAYATH,
THANOOR P.O., PIN-676 302, MALAPPURAM, REPRESENTED BY ITS PRESIDENT, V.P.M.ABDUL RAHIMAN,
S/O.KUNJI MARAKKAR, VALIYAPARAMBIL HUOSE,
THANALUR P.O., THANALUR VILLAGE, TIRUR TALUK,
MALAPPURAM DISTRICT.

BY ADV. SRI.K.A.JALEEL
SRI.N.K.POULOSEKUTTY

RESPONDENTS:

1. SUB INSPECTOR OF POLICE,THANOOR P.O., PIN-676 302.

2. CIRCLE INSPECTOR OF POLICE,THANOOR P.O., PIN-676 302.

3. SUPERINTENDENT OF POLICE,MALAPPURAM DISTRICT.

4. DR.V.PRASANNAKUMAR, THANOOR COMMUNITY HEALTH CENTRE (HOSPITAL),THANOOR P.O.

ADDL. 5. HAMZAKUTTY, S/O.MOHAMMEDKUTTY, AGED 42 YEARS, PATTARAKATH HOUSE, PARIYAPPURAM P.O., TANUR, MALAPPURAM DIST.

ADDL. 6. C.K.SUBAIDA, PRESIDENT, THANOOR GRAMA PANCHAYAT, MALAPPURAM DISTRICT.

(ADDL. RESPONDENTS 5 AND 6 ARE IMPLEADED AS PER ORDER DATED 11.1.2007 IN I.A.NOS.173 & 623 OF 2007)

R1 TO R3 BY G.P.SRI.P.A.SALIM
BY ADV. SRI.T.KRISHNAN UNNI
SRIC.M.MOHAMMED IQUABAL
SRI.PROMY KAPRAKKATT
SRI.K.N.ABHILASH
SRI.SUNIL NAIR PALAKKAT
SMT.P.K.BEENA
DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR
SRI.M.R.JAYAPRASAD
SRI.K.K.RAJEEV

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.33856/2006

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1:TRUE COPY OF LETTER RECEIVED FROM THE THANOOR GRAMA PANCHAYATH BY THE THANOOR BLOCK PANCHAYATH DTD. 30.10.06.

EXT.P2: TRUE COPY OF DECISION DATED 28.8.2006 TAKEN BY THE PETITIONER BLOCK PANCHAYATH.

EXT.P3: TRUE COPY OF COMPLAINT FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT ON 11.12.2006.

RESPONDENTS' EXHIBITS:

EXT.R5(a): THE TRUE COPY OF THE NOTICE DATED 16.12.06.

EXT.R5(b): THE TRUE COPY OF THE NOTICE DATED 22.12.06.

EXT.R5(c): THE TRUE COPY OF THE REPRESENTATION DATED 12.12.06.

EXT.R5(d): THE TRUE COPY OF THE REPRESENTATION DATED 13.12.2006.

EXT.R5(e): THE TRUE COPY OF THE REPRESENTATION DATED 7.11.06.

// TRUE COPY //

TKS

**J.B.KOSHY & K.P.BALACHANDRAN,JJ.**

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W.P.(C)No.33856 OF 2006

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Dated 11th January, 2007

**JUDGMENT**

**Koshy,J.**

Petitioner is the Thanoor Block Panchayat represented by the President. There is a Community Health Centre at Elaram Kadappuram in Thanoor which is functioning under the petitioner. The said hospital is having 75 inpatient beds. According to the petitioner, the doctors are attending about 300 outpatients also. The front gate is situated facing the main road Chappapady-Poorapuzha road. It is contended by the petitioner that a small portion of the boundary wall is demolished by a few persons and reconstruction of the same was obstructed. It is also submitted that anti-social activities are being carried out behind the hospital and it is necessary that police protection should be given to construct the boundary wall. The total area where the hospital is situated is only about 2 acres of land and according to the contesting respondent, there was a gate behind the hospital, that was used by the public to visit the hospital and that is being closed. When the ownership is not disputed, if the owners want to close the above, others cannot say that the back side should not be closed especially safety of the patients and doctors are to be looked into by the authorities. Safety of the inpatients in the hospital, doctors etc. has to be looked after by the Panchayat which is

managing the hospital. Nobody has got right to say that backside of the hospital should not be closed by boundary wall as long as there is no civil dispute and anti-social elements cannot take advantage by insisting that back side of the hospital should be kept open. The Panchayat can decide that only main gate need be opened because of the security problems etc. In the above circumstances, police should give adequate protection to construct the boundary wall by closing the gap of the boundary wall on the southern side of the Community Health Centre.

The writ petition is allowed.

**J.B.KOSHY**
**JUDGE**

**K.P.BALACHANDRAN**
**JUDGE**

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